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ROBERT H. SHERWELL, CLERK  
BY    *uh*    DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

**Dr. CARLTON L. WINBERY, ET AL**

**CIVIL ACTION NO. 06-1254**

**-vs-**

**JUDGE TRIMBLE**

**LOUISIANA COLLEGE, ET AL**

**MAGISTRATE JUDGE KIRK**

**J U D G M E N T**

After review of the Report and Recommendation provided by Magistrate Judge Kirk in this matter, as well as the objections offered by defendants, it is

ORDERED that the above captioned case be REMANDED to the 9th Judicial District Court, Parish of Rapides, State of Louisiana.

Although we note the reasoning issued by Magistrate Judge Kirk as to an award of attorney fees, we find no basis for such an award. We cannot hold that defendants' decision to remove this case to federal court was frivolous or otherwise without reasonable basis. Additionally, we find a lack of substantiation as to the amount of fees awarded and it is therefore ORDERED that plaintiffs' Motion for Attorney Fees [Doc. # 15] is DENIED. It is further ORDERED that all costs associated with the Petition for Removal be paid by defendants.

**THUS DONE AND SIGNED** at Alexandria, Louisiana this 20<sup>th</sup> day of November, 2006.

          *James T. Trimble, Jr.*            
JAMES T. TRIMBLE, JR.  
U.S. DISTRICT COURT JUDGE